

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86581 of 2025

Arising Out of PS. Case No.-130 Year-2025 Thana- GORIAKOTHI District- Siwan

Shravan Kumar S/o Late Paspati Ram R/o Village - Mansa Hata, P.S -
Barhariya, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. X (Imaginary name of the informant) D/o Y (Imaginary name of the informant's Father) Resident of - Lillaro, Aurangabad, P.S - Goreyakothi, District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
CAV ORDER

4 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376 and 506 of the Indian Penal Code.

3. The case of the prosecution is that the informant came to contact in the petitioner in a family function. They exchanged their numbers and the petitioner wished to establish friendship with the informant and on this pretext, he also pressurized the informant for establishing physical relationship. He also assured the informant that he will marry her. On 03.01.2023, there was birthday in the family of the informant.



The informant went there and the petitioner also arrived to meet her and he told her elder sister that he will drop the informant to her house on his bike, after this, he brought her to a shop and kept her for many hours and after some time, he closed the shutter of the shop from inside and attempted to make forceful physical relationship. When the informant denied, he again promised her to marry and established physical relationship. After this, he also made video of that act and threatened her that if she discloses it to anybody, she will have to face dire consequences as the petitioner is having her obscene video. She was administered anti pregnancy pill, after that, he started calling her at medical shop and some times at his house on the point of video, started physical relationship. It is further alleged that when the informant undertook not to marry the petitioner and she stopped calling the petitioner. After this, he started abusing her and has stated that he will not allow her to marry anywhere else and is also blackmailing the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that the relationship between them was consensual and from perusal of the FIR itself, it will transpire that according to the informant herself,



the first date of relationship between them is 04.01.2023 but she has filed this case on 16.04.2025 after more than year. Learned counsel has further submitted that though it is stated by the informant that the petitioner is not allowing her to marry anywhere else and that he has broken her marriage but from perusal of the diary, it will transpire that during entire investigation, the informant has not stated as to with whom, her marriage was fixed. It has further been submitted that this statement is not substantiated during investigation. Learned counsel has further submitted that during course of investigation, the medical examination of the victim was conducted and from perusal of the report, it will transpire that the doctor conducting medical examination has found no recent evidence of sexual and physical assault. No injury over perineal area. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 25.09.2025.

5. Learned counsel for the petitioner has also relied on a judgement of the Hon'ble Supreme Court passed in **Criminal Appeal No. 962 of 2022 (@ SLP(CRL.) No. 5326 of 2022) in the case of Ansar Mohammad v. the State of Rajasthan** wherein their Lordships have held which is given



hereunder:-

“In view of the said fact, the complainant has willingly been staying with the appellant and had the relationship. Therefore, now if the relationship is not working out, the same cannot be a ground for lodging an FIR for the offence under Section 376(2)(n) IPC.”

6. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and has submitted that there is direct allegation against the petitioner of committing repeated rape and of blackmailing the informant.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Goreyakothi P.S. Case No. 130 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-VIII, Siwan.

(Ashok Kumar Pandey, J)

Shubham/-

AFR/NAFR	NAFR
CAV DATE	04.02.2026.
Uploading Date	25.02.2026.
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